

FILED	SEP 10 2008
ENTERED	CLERK US DISTRICT COURT
	DISTRICT OF NEVADA
COUNSEL/PARTIES OR DEFENDANT	BY _____ DEPUTY

1 GREGORY A. BROWER
 2 United States Attorney
 2 AMBER M. CRAIG
 Assistant United States Attorney
 3 333 Las Vegas Blvd., South, Suite 5000
 Las Vegas, Nevada 89101
 4 (702) 388-6050

UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

-oOo-

8 UNITED STATES OF AMERICA,	) CRIMINAL INDICTMENT
9))
10 VS. PLAINTIFF,	) 2:08-CR- <u>228</u>
11 )	) VIOLATIONS:
12 )	) 21 U.S.C. §§ 841(a)(1) & (b)(1)(A)(iii) -
13 )	) Possession of a Controlled Substance
14 )	) with Intent to Distribute - Cocaine Base;
15 )	) 21 U.S.C. §§ 841(a)(1) & (b)(1)(C) -
16 )	) Possession of a Controlled Substance
17 )	) with Intent to Distribute - Cocaine;
18 )	) 18 U.S.C. § 922 (g)(1) and 924 (a)(2) -
19 )	) Felon in Possession of a Firearm
20))
21))
22))
23))
24))
25))
26))

16 THE GRAND JURY CHARGES THAT:

17 **COUNT ONE**

18 Possession of a Controlled Substance With Intent to Distribute

19 On or about August 20, 2008, in the State and Federal District of Nevada,

20 **RAYMOND EARL RAFUS,**

21 defendant herein, did knowingly and intentionally possess with the intent to distribute, fifty
 22 (50) grams and more of a mixture and substance containing a detectable amount of cocaine
 23 base, also known as crack cocaine, a Schedule II controlled substance, in violation of Title
 24 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(iii).

25 . . .
 26 . . .

COUNT TWO

Possession of a Controlled Substance With Intent to Distribute

On or about August 20, 2008, in the State and Federal District of Nevada,

RAYMOND EARL RAFUS,

defendant herein, did knowingly and intentionally possess with the intent to distribute, a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT THREE

Felon in Possession of a Firearm

On or about July 14, 2008, in the State and Federal District of Nevada,

RAYMOND EARL RAFUS,

13 defendant herein, having been convicted of a crime punishable by imprisonment for a term
14 exceeding one year, to wit: on or about December 10, 2002, in the Clark County District
15 Court, State of Nevada, defendant was convicted of Trafficking in Controlled Substance, in
16 case number C186709; did knowingly possess:

- (1) a Steyer, model M40, .40 caliber handgun, bearing serial number 017371,
 - (2) a Bryco Arms, model Jenn 9, 9mm handgun, bearing serial number 1418240, and
 - (3) a Taurus, model PT140, .40 caliber handgun, bearing serial number SYE82946,
SYE82946-140

22 said possession being in and affecting commerce, in violation of Title 18, United States
23 Code, Sections 922(g)(1) and 924(a)(2).

FORFEITURE ALLEGATION ONE

1. The allegations contained in Counts One and Two of this Indictment are hereby re-alleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to the provisions of 21 U.S.C. § 853(a)(1).

2. Upon a conviction of the felony offenses charged in Counts One and Two of this Indictment,

RAYMOND EARL RAFUS,

the defendant herein, shall forfeit to the United States of America any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of a violation of 21 U.S.C. § 801, *et seq.*, up to \$18,456.00 in United States Currency.

3. If any property being subject to forfeiture pursuant to 21 U.S.C. § 853(a)(1), as a result of any act or omission of the defendant -

- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States of America, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any properties of the defendant up to the value of \$18,456.00 in United States Currency.

All pursuant to 21 U.S.C. §§ 801, et seq., 853(a)(1), and 853(p).

FORFEITURE ALLEGATION TWO

2 1. The allegations contained in Counts One and Two of this
3 Indictment are hereby re-alleged and incorporated herein by reference for the
4 purpose of alleging forfeiture pursuant to the provisions of 21 U.S.C. § 853(a)(2).

5 2. Upon a conviction of the felony offense charged in Counts One
6 and Two of this Indictment,

RAYMOND EARL RAFUS,

8 the defendant herein, shall forfeit to the United States of America any property used,
9 or intended to be used, in any manner or part, to commit, or to facilitate the
10 commission of a violation of 21 U.S.C. § 801, *et seq.*, up to \$18,456.00 in United
11 States Currency.

12 3. If any property being subject to forfeiture pursuant to 21 U.S.C. §
13 853(a)(2), as a result of any act or omission of the defendant -

- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be divided without difficulty;

21 it is the intent of the United States of America, pursuant to 21 U.S.C. § 853(p), to seek
22 forfeiture of any properties of the defendant up to the value of \$18,456.00 in United
23 States Currency.

24 All pursuant to 21 U.S.C. §§ 801, et seq., 853(a)(2), and 853(p).

FORFEITURE ALLEGATION THREE

1. The allegations contained in Count Three of this Indictment are hereby re-alleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c).

2. Upon a conviction of the felony offense charged in Count Three of this Indictment,

RAYMOND EARL RAFUS,

the defendant herein, shall forfeit to the United States of America all firearms and ammunition involved in the commission of the violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), including, but not limited to:

- a. a Steyer, model M40, .40 caliber handgun, bearing serial number 017371;
 - b. a Bryco Arms, model Jenn 9, 9mm handgun, bearing serial number 1418240;
 - c. a Taurus, model PT140, .40 caliber handgun, bearing serial number SYE82916;
 - d. twenty-one (21) .40 caliber Smith and Wesson bullets; and
 - e. ten (10) 9mm Winchester bullets.

All pursuant to 18 U.S.C. §§ 922(g)(1) and 924(a)(2), 18 U.S.C. § 924(d),
and 28 U.S.C. § 2461(c).

DATED: this 10 day of September, 2008.

A TRUE BILL:

/S/
FOREPERSON OF THE GRAND JURY

GREGORY A. BROWER
United States Attorney

Amber M. Craig
AMBER M. CRAIG
Assistant United States Attorney